

FEDERAL REGISTER

VOLUME 18

NUMBER 162

Washington, Wednesday, August 19, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PUBLIC HOUSING ADMINISTRATION AND SUBVERSIVE ACTIVITIES CONTROL BOARD

Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.342 Housing and Home Finance Agency. * * *

(c) Public Housing Administration.

(1) One Special Assistant Commissioner.

(2) One Special Assistant to the Commissioner (Liaison).

(3) One Special Assistant to the Commissioner (Racial Relations).

§ 6.353 Subversive Activities Control Board. (a) One Executive Secretary and Chief Clerk.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-7374; Filed, Aug. 18, 1953; 11:26 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Water Facilities Loans

[FHA Instruction 442.2]

PART 352—POLICIES

PURPOSES FOR WHICH WATER FACILITIES LOANS AND ASSISTANCE MAY BE EXTENDED

Paragraphs (a) and (b) of § 352.5, Title 6, Code of Federal Regulations (17 F. R. 8567) are amended to add in paragraph (a) installation of domestic water disposal units to forbidden uses of Water Facilities loan funds and to add in paragraph (b) requirement of beneficial transfer of place of water use for acquisition by loan of source of water supply. Paragraphs (a) and (b) of § 352.5 read as follows:

§ 352.5 *Purposes for which Water Facilities loans and assistance may be extended.* Water facilities loans and assistance may be extended for any of the following items which will accomplish the purposes of the act:

(a) The construction, repair, rehabilitation, reinstatement, or enlargement of farmstead facilities and irrigation facilities which will include such items and appurtenances thereto as reservoirs, storage and diversion dams, ponds, wells, cisterns, pipelines, storage tanks, stock water tanks, spring development and pumping installations including windmills and other kinds of motors, distribution systems, as well as real estate or an interest therein necessary for sites or rights-of-way upon which a facility will be located. Loan funds may not be used for domestic water disposal installations including septic tanks, plumbing and plumbing fixtures within the dwelling or other dwellings, or for power plants to generate electricity.

(b) The acquisition of a source of water supply. Included are:

(1) The purchase of water stock or memberships in an association, *Provided:*

(i) The organizational, financial, and water right situations of such associations are sound; and

(ii) The purchaser will transfer the place of use of the water to more productive agricultural land which he owns or is acquiring without water facilities funds and the transfer will result in more effective conservation and use of water.

(2) The acquisition of a water right through appropriation or purchase. In any instance where it is not possible to acquire a water right without also purchasing the land on which the water is being used, the land also may be acquired with loan funds, *Provided:*

(i) The purchaser will transfer the place of use of the water to more productive agricultural land which he owns or is acquiring without water facilities funds and the transfer will result in more effective conservation and use of water, and

(ii) The value of the purchased land without the water right is an incidental part of the total purchase price.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 14: Parts 1-399 (Revised Book) (\$6.00)

Previously announced: Title 3 (\$1.75); Titles 4-5 (\$0.55); Title 6 (\$1.50); Title 7: Parts 1-209 (\$1.75), Parts 210-899 (\$2.25), Part 900-end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 14: Part 400-end (Revised Book) (\$3.75); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22-23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80-169 (\$0.40), Parts 170-182 (\$0.65), Parts 183-299 (\$1.75); Title 26: Part 300-end, Title 27 (\$0.60); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Title 32: Parts 1-699 (\$0.75), Part 700-end (\$0.75); Title 33 (\$0.70); Titles 35-37 (\$0.55); Title 38 (\$1.50); Title 39 (\$1.00); Titles 40-42 (\$0.45); Title 43 (\$1.50); Titles 44-45 (\$0.60); Title 46: Parts 1-145 (Revised Book) (\$5.00), Part 146-end (\$2.00); Titles 47-48 (\$2.00); Title 49: Parts 1-70 (\$0.50), Parts 71-90 (\$0.45), Parts 91-164 (\$0.40), Part 165-end (\$0.55); Title 50 (\$0.45)

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(Sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interprets or applies sec. 2 (3), 50 Stat. 869; 16 U. S. C. 590s (3))

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

JULY 31, 1953.

Approved: August 14, 1953.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-7280; Filed, Aug. 18, 1953; 8:47 a. m.]

Subchapter F—Miscellaneous Regulations
[FHA Instruction 123.2]

PART 387—SALE OF ABSTRACTS OF TITLE SALES

The introduction and paragraph (a) of § 387.3, Title 6, Code of Federal Regulations (17 F. R. 6755), are revised to clarify the policy as to the persons to whom surplus abstracts of title may be sold by negotiated sales and to read as follows:

§ 387.3 Sales. Sales of surplus abstracts of title will be for cash and generally will be negotiated in cases where the reasonable recovery value involved in any one sale does not exceed \$500. In the event it appears that the reasonable recovery value in any one sale will exceed \$500, it is required that such abstracts be advertised for sale. All abstracts covering land owned by a particular individual may be sold as a unit, even though they cover separate, non-contiguous tracts.

(a) Negotiated sales. Sales will be negotiated to the extent practical, at the best price obtainable, with (1) the owners, either surface or mineral, (2) local title companies, lawyers, or other persons engaged in preparing abstracts of title for the public generally, and (3) persons holding a mortgagee or other interest. When equal offers are received from owners and others, the sale should

be made to the owners. In those cases where an abstract covers a tract of land which has been subdivided, and the land interests are held by several parties, determination should be made as to whether they wish to purchase the abstract jointly. If all of them are not interested in making a joint purchase of the abstract, the abstract may be sold to any one or more of the several owners who are interested in buying it.

(Sec. 203 (c), 63 Stat. 385; 40 U. S. C. 484 (c). Interprets or applies sec. 203 (a), (b), 63 Stat. 385; 40 U. S. C. 484 (a), (b).)

[SEAL]

R. B. McLEAISH,
Administrator.

Farmers Home Administration.

JULY 30, 1953.

Approved: August 14, 1953.

TRUE D. MORSE,

Acting Secretary of Agriculture.

[F. R. Doc. 53-7279; Filed, Aug. 18, 1953;
8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS OF THE IMMIGRATION REGULATIONS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Subchapter A—General Provisions

PART 9—AUTHORITY OF COMMISSIONER AND ASSISTANT COMMISSIONERS

Section 9.2 is amended by adding immediately after paragraph (v) a new paragraph designated as (v-1) which, when taken with the introductory material, will read as follows:

§ 9.2 *Authority of Assistant Commissioner, Inspections and Examinations Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the Assistant Commissioner, Inspections and Examinations Division:

(v-1) Replacement of alien-registration receipt cards under Part 264 of this chapter.

Subchapter B—Immigration Regulations

PART 214—ADMISSION OF NONIMMIGRANTS: GENERAL

Section 214.4, *Extension of period of temporary admission*, is amended by deleting paragraph (c).

PART 214h—ADMISSION OF NONIMMIGRANTS: TEMPORARY SERVICES, LABOR, OR TRAINING

Paragraph (a) of § 214h.41 is amended to read as follows:

§ 214h.41 *Petition to import—(a) Form and procedure.* A petition to im-

port an alien as a nonimmigrant of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be submitted by the employer or trainer with such documentary or other evidentiary matter establishing the alien's eligibility for the classification as a nonimmigrant of the classes described in section 101 (a) (15) (H), and, if the alien is to enter under clause (ii) of that section, there shall, if requested by the Service, be attached to, and made a part of, the petition a clearance order bearing a statement from the United States Employment Service that (1) qualified workers of the kind proposed to be imported are not available within the United States, and (2) the Employment Service policies have been observed: *Provided*, That a clearance card issued by the Employment Service of the Territory of Guam shall, in the case of a petition to import laborers for employment in Guam, be accepted in lieu of that issued by the United States Employment Service.

PART 231—LISTS OF ALIENS AND CITIZEN PASSENGERS ARRIVING OR DEPARTING

1. Paragraph (c) of § 231.2, *Arrival manifests and lists for vessels*, is amended to read as follows:

(c) *Report of passengers on board vessels traveling between ports of the United States.* The master or agent of a vessel which arrives at a port in the continental United States or at a port in any other place under the jurisdiction of the United States without touching at a foreign port on a voyage originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States shall submit in writing to the United States immigration officer at the port of arrival the surname, given name, and middle initial of each passenger on board such vessel.

2. Subparagraph (1) of paragraph (a), *Forms*, of § 231.5, *Departure manifests for aircraft*, is amended to read as follows:

(1) *Form I-466—Air-passenger manifests.* The air-passenger manifest shall be on the same form and shall contain the same information as prescribed in § 231.4 (a) (1).

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Paragraph (b) of § 243.3, *Execution of warrants of deportation*, is amended to read as follows:

(b) *Stay of deportation.* (1) Except as otherwise provided in this part, the district director having administrative jurisdiction over the place where the alien is located may, in the exercise of his discretion, and for good cause shown, stay the execution of a warrant and order of deportation for such time and under such conditions as he may deem appropriate. He may grant such stay upon his own instance, or upon request of the alien. A request for a stay by the alien shall be in writing, shall be filed with the district director, and shall be supported by an affidavit setting forth the reasons for the request and by such

other evidentiary matter as may support the request.

(2) In any case in which the request for a stay of deportation as prescribed in subparagraph (1) of this paragraph is predicated upon a claim by the alien that he would be subject to physical persecution if deported to the country designated, he may be required to submit to interrogation under oath by an immigration officer with reference to his claim with a view to any necessary clarification or explanation of his claim or of the evidence which he has furnished and the establishment of the pertinent facts upon which a determination may be made in his case. The alien may, at his own expense, have present with him during such interrogation any attorney or representative authorized to practice before the Service. The decision whether to withhold deportation and if so, for what period of time, in any case under this subparagraph shall be made by the Commissioner or the Assistant Commissioner, Border Patrol, Detention and Deportation Division, upon any evidence which is available to him.

(3) Notice of disposition of the alien's request under subparagraph (1) or (2) of this paragraph shall be served upon him, but neither the making of the request nor the failure to receive a notice of decision thereon shall relieve or excuse the alien from presenting himself for deportation at the time and place designated for his deportation. No appeal shall lie from a denial of a request for a stay of deportation, but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in § 6.21 (a) of this chapter.

PART 247—ADJUSTMENT OF STATUS OF CERTAIN RESIDENT ALIENS

Part 247 is amended by adding the following section:

§ 247.15 *Disposition of Form I-508.* If Form I-508 is executed and filed, the duplicate copy thereof shall be filed in the office of the Assistant Commissioner, Inspections and Examinations Division, and may be made available for inspection by any interested officer or agency of the United States.

PART 280—IMPOSITION AND COLLECTION OF FINES

1. Section 280.2, *Special provisions relating to aircraft*, is amended by deleting the last sentence thereof.

2. Section 280.6 is amended to read as follows:

§ 280.6 *Bond to obtain clearance; form.* A bond to obtain clearance of a vessel or aircraft under section 231, 233, 237, 239, 243, 251, 253, 254, 255, 256, 272, or 273 of the Immigration and Nationality Act shall be filed on Form I-310.

PART 450—FORMS

The list of forms in § 450.1, *Prescribed forms*, is amended by deleting the following forms:

I-940-D Examination Record (C. O. Statistics).

I-315 Bond for Payment of Fines and Sums Imposed on Aircraft under the Immigration

Laws and Regulations (for term or single entry).

I-502 Notification by Sponsor to the Immigration and Naturalization Service Relating to Exchange Visitors.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

NOTE: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective on the date of its publication in the **FEDERAL REGISTER**. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, insofar as they do not relate to matters of agency management or procedure, relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: August 10, 1953.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: June 23, 1953.

ARGYLE R. MACKAY,
Commissioner of Immigration
and Naturalization.

[F. R. Doc. 53-7249; Filed, Aug. 17, 1953;
3:15 p. m.]

Subchapter B—Immigration Regulations

MISCELLANEOUS AMENDMENTS OF IMMIGRATION REGULATIONS

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Section 212.6 is amended to read as follows:

§ 212.6 *Aliens previously deported or removed, or who departed at Government expense; consent to reapply for admission.* (a) Except as provided in § 236.13 (b) of this chapter and paragraph (b) of this section, an alien who is inadmissible to the United States under paragraph (16) or (17) of section 212 (a) of the Immigration and Nationality Act and who desires to apply for admission to the United States shall file an application for consent to reapply for admission to the United States with the district director having administrative jurisdiction over the office in which were held the proceedings which resulted in the alien's deportation, removal or departure at Government expense.

(b) Except as otherwise provided in this section, an alien who is inadmissible to the United States under paragraph (16) or (17) of section 212 (a) of the Immigration and Nationality Act and who desires to enter the United States frequently across an international land border to purchase the necessities of life, or in connection with the business in which he is engaged, or for some other urgent reason, may file his application

for consent to reapply for admission to the United States with the district director having administrative jurisdiction over the nearest port of entry adjacent to the alien's foreign residence.

2. Paragraph (b) of § 212.61, *Application for consent to reapply*, is amended to read as follows:

(b) *Disposition.* The district director receiving an application for consent to reapply for admission may, in his discretion, grant or deny such application. He shall note his decision on the application and, if the application is denied, the reason for its denial. The decision shall be final except that an appeal therefrom may be taken by the applicant to the Assistant Commissioner, Inspections and Examinations Division, within 10 days from receipt of notification of decision, in accordance with the provisions of Part 7 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 231—LISTS OF ALIENS AND CITIZEN PASSENGERS ARRIVING OR DEPARTING

1. Subparagraph (2) of paragraph (a) of § 231.31, *Departure manifest and lists for vessels*, is amended by adding a sentence at the end thereof to read as follows: "Whenever a departing alien passenger is in possession of Form I-132, a skeleton Form I-424 may be prepared, plainly marked to show that the alien departed in possession of a reentry permit, and showing the passenger's full name, the year and country of his birth, the country to which he is destined, the time he will remain abroad, the date and port of departure from the United States, the name of the departing vessel, and the file number appearing in the upper right-hand corner of the permit."

2. Subparagraph (2) of paragraph (a) of § 231.42, *Departure manifests for aircraft*, is amended by adding a sentence at the end thereof to read as follows: "Whenever a departing alien passenger is in possession of Form I-132, a skeleton Form I-424 may be prepared, plainly marked to show that the alien departed in possession of a reentry permit, and showing the passenger's full name, the year and country of his birth, the country to which he is destined, the time he will remain abroad, the date and port of departure from the United States, the name of the departing aircraft, and the file number appearing in the upper right-hand corner of the permit."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

PART 242—ALIENS: APPREHENSION, CUSTODY AND DETERMINATION OF DEPORTABILITY

1. Section 242.52 is amended to read as follows:

§ 242.52 *Notice of hearing—(a) Charges other than or in addition to those contained in the warrant of arrest.* Whenever, prior to the commencement of the hearing on the charges contained in the warrant of arrest, it is found that the evidence available establishes a prima facie case for deportation on charges other than or in addition to those contained in the warrant of arrest and

it is believed that such charges should also be brought against the respondent they shall, in addition to those contained in the warrant of arrest, be included in the notice of hearing served on the respondent pursuant to paragraph (b) of this section.

(b) *Form and content of notice.* Notice of hearing to the respondent shall be given on Form I-226. A copy of such notice shall be served upon the respondent and, in any case in which the respondent has been released on bond, upon the surety on the bond. The notice of hearing shall inform the respondent of the nature of the charges against him, fix the time of hearing, which shall be reasonable under all the circumstances, designate the place at which the hearing will be held, and inform the respondent of his privilege of being represented, at no expense to the Government, by such counsel, authorized to practice in such proceedings, as he shall choose. If the notice contains charges in addition to those contained in the warrant of arrest, the notice shall also inform the respondent that if he needs more time to meet such additional charges, he may apply for a reasonable postponement of the hearing to the district director or officer in charge having administrative jurisdiction of the office wherein the case is pending not later than five days before the date set for hearing. Except when it is proposed to use Form I-226 to notify the respondent of charges in addition to those contained in the warrant of arrest, notice of hearing may be waived by the respondent, and such waiver shall be made a part of the record of the case.

2. Clause (3) of paragraph (c) of § 242.53, *Conduct of hearing*, is amended so that when taken with the introductory material it will read as follows:

(c) *Special inquiry officers; specific duties.* At the commencement of the hearing under this part, the special inquiry officer shall * * * (3) enter of record a copy of the warrant of arrest and a copy of Form I-226 when such form contains charges in addition to those contained in the warrant of arrest, and explain to the respondent in simple, understandable language the nature of the charges contained in the warrant of arrest and the additional charges contained in Form I-226, * * *.

3. The first sentence of paragraph (d) of § 242.53, *Conduct of hearing*, is amended to read as follows:

(d) *Special inquiry officers; additional charges.* If it appears during the hearing that the respondent may be deportable on charges other than or in addition to those contained in the warrant of arrest or in the notice of hearing, the special inquiry officer, except as provided in § 242.75, may lodge additional charges against the respondent and shall develop evidence upon such charges in like manner as on the charges contained in the warrant of arrest or notice of hearing. * * *

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

NOTE: The record-keeping and reporting requirements of these regulations have been

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, insofar as they do not relate to matters of agency procedure, relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: August 10, 1953.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: July 8, 1953.

ARGYLE R. MACKAY,
Commissioner of Immigration
and Naturalization.

[F. R. Doc. 53-7248; Filed, Aug. 17, 1953;
3:15 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6055]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN EXTENSION SCHOOL AND
THEODORE E. SMITH

Subpart—Advertising falsely or misleadingly: § 3.15 Business status, advantages, or connections—Government connection—Individual or private business as educational, religious or research institution—Qualifications and abilities; § 3.55 Demand, business, or other opportunities; § 3.85 Government approval, connection or standards—Civil Service Commission connections or recognition; § 3.115 Jobs and employment service—Government; § 3.205 Scientific or other relevant facts. Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 3.330 Claiming or using indorsements or testimonials falsely or misleadingly. Subpart—Misrepresenting oneself and goods: Business status, advantages or connections; § 3.1425 Government connection; § 3.1430 Government indorsement, sanction or sponsorship; § 3.1450 Individual or private business as educational, religious or research institution; § 3.1520 Personnel or staff; § 3.1770 Unique nature or advantages—Goods; § 3.1645 Government standards or specifications; § 3.1665 Indorsements; § 3.1670 Jobs and employment; § 3.1685 Nature; § 3.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 3.1995 Job guarantee and employment; § 3.2000 Limited offers or supply; § 3.2015 Opportunities in product or service; § 3.2035 Results guarantee; § 3.2063 Scientific or other relevant facts. Subpart—Using misleading name: Vendor; § 3.2410 Individual or private business being educational, religious or research institution or organization. In connection with the offering for sale, sale and distribution

in commerce, of a course of study and instruction intended for preparing students thereof for examination for Civil Service positions under the United States Government, or any similar courses of study, (1) using the word "University" or any word of similar import as a part of respondents' corporate or trade name, or using the word "Extension" or any word of similar import to describe their course of instruction, or otherwise representing that respondents' school is a resident institution of higher learning or is an extension division of a resident institution of higher learning; (2) representing, directly or by implication: (a) that respondents or their school have any connection with the United States Civil Service Commission or any other agency of the United States Government; (b) that respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency, or have any connection therewith; (c) that the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions; (d) that the passing of respondents' aptitude or other tests assures applicants of employment in the United States Civil Service; (e) that it is necessary for persons seeking United States Civil Service positions to take respondents' course of study in order to qualify for or obtain such positions; (f) that the examinations given by respondents are examinations for specific positions in the United States Civil Service; (g) that all persons completing respondents' course of instruction and passing United States Civil Service examinations will be placed at the top of the list of eligibles; (h) that any United States Civil Service position which requires appointees to have veteran's status, or special physical, mental, educational, or experiential qualifications is generally available; (i) that respondents have advance information regarding announcements of United States Civil Service examinations, or any information not generally available to the public; (j) that vacancies exist in any United States Civil Service position contrary to the fact; or that the number of positions available or vacant in the United States Civil Service or any branch thereof is greater than is actually the fact; (k) that the starting salary for any United States Civil Service position is greater than it is in fact; (l) that any contractual relationship exists between the United States Civil Service Commission and respondents for the furnishing by respondents of applicants for United States Civil Service positions; (m) that the United States Civil Service Commission recognizes, recommends or endorses respondents' school; (n) that there are any limitations with respect to the time when one may enroll as a student or to the number of students who may be enrolled; and (2) using emblems or other picturizations resembling or simulating the seal or insignia of the United States or any agency thereof, or otherwise representing that respondents are connected with the United States Government or any agency thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, American Extension School et al., Portland, Oreg., Docket 6055, July 17, 1953]

In the Matter of American Extension School, a Corporation, and Theodore E. Smith, Individually and as an Officer of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on November 3, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. On December 18, 1952, by permission of the hearing examiner theretofore duly designated by the Commission, respondents withdrew their answer filed on November 28, 1952, and filed in lieu thereof a substitute answer admitting all the material allegations of fact set forth in the said complaint and waiving all intervening procedure and further hearing as to said facts. Thereafter the proceeding regularly came on for consideration by the hearing examiner upon said complaint and answer, and said hearing examiner, on December 24, 1952, filed his initial decision.

The Commission, having reason to believe that the initial decision did not constitute an adequate disposition of the matter, on February 12, 1953, issued and thereafter served upon the parties its order placing this case upon the Commission's docket for review. Thereafter the Commission, having considered the entire record and having prepared a tentative decision, caused copies of said decision to be served upon respondents and counsel supporting the complaint, together with its order, issued on June 4, 1953, granting them leave to file, within twenty days after service thereof, objections to the changes in the hearing examiner's initial decision as shown by the said tentative decision. No objections having been filed within the period specified in the said order, the proceeding thereafter came on for final consideration by the Commission upon the record on review and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,¹ conclusion drawn therefrom,¹ and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondent, American Extension School, a corporation, and its officers, agents, representatives and employees, and respondent, Theodore E. Smith, as an officer of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of study and instruction intended for preparing students thereof for examination for Civil Service positions under the United States Government, or

¹ Filed as part of the original document.

any similar courses of study, do forthwith cease and desist from:

1. Using the word "University" or any word of similar import as a part of respondents' corporate or trade name, or using the word "Extension" or any word of similar import to describe their course of instruction, or otherwise representing that respondents' school is a resident institution of higher learning or is an extension division of a resident institution of higher learning;

2. Representing, directly or by implication:

(a) That respondents or their school have any connection with the United States Civil Service Commission or any other agency of the United States Government;

(b) That respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency, or have any connection therewith;

(c) That the completion of respondents' course of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions;

(d) That the passing of respondents' aptitude or other tests assures applicants of employment in the United States Civil Service;

(e) That it is necessary for persons seeking United States Civil Service positions to take respondents' course of study in order to qualify for or obtain such positions;

(f) That the examinations given by respondents are examinations for specific positions in the United States Civil Service;

(g) That all persons completing respondents' course of instruction and passing United States Civil Service examinations will be placed at the top of the list of eligibles;

(h) That any United States Civil Service position which requires appointees to have veteran's status, or special physical, mental, educational, or experiential qualifications is generally available;

(i) That respondents have advance information regarding announcements of United States Civil Service examinations, or any information not generally available to the public;

(j) That vacancies exist in any United States Civil Service position contrary to the fact; or that the number of positions available or vacant in the United States Civil Service or any branch thereof is greater than is actually the fact;

(k) That the starting salary for any United States Civil Service position is greater than it is in fact;

(l) That any contractual relationship exists between the United States Civil Service Commission and respondents for the furnishing by respondents of applicants for United States Civil Service positions;

(m) That the United States Civil Service Commission recognizes, recommends or endorses respondents' school;

(n) That there are any limitations with respect to the time when one may enroll as a student or to the number of students who may be enrolled.

3. Using emblems or other picturizations resembling or simulating the seal or insignia of the United States or any agency thereof, or otherwise representing that respondents are connected with the United States Government or any agency thereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 17, 1953.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 53-7291; Filed, Aug. 18, 1953;
8:50 a. m.]

[Docket 5958]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THE D-CON COMPANY, INC., ET AL.

Subpart—Advertising falsely or misleadingly: § 3.20 Comparative data or merits; § 3.170 Qualities or properties of product or service; § 3.195 Safety; § 3.205 Scientific or other relevant facts; § 3.280 Unique nature or advantages. In connection with the offering for sale, sale or distribution in commerce, of the rodenticide preparations designated "d-Con" and "d-Con's Mouse-Prufe", in whatsoever form sold, or any other rodenticide of substantially similar composition or possessing substantially similar properties, whether sold under either of said names or under any other name or names, representing directly or by implication, (1) that any of said preparations are safe or may be used without danger to human beings or domestic or farm animals, unless qualified by the words "when used as directed" or other words of like meaning; (2) that any of said preparations contain a special attractant that is more successful or alluring than all other rodenticide baits or regular feed; (3) that any of said preparations will eliminate all afterodors usually associated with the use of rodenticides; (4) that any of said preparations is the only rodenticide on the market for killing mice that contains the active ingredient Warfarin; and (5) that the preparation d-Con was the subject of a report or article appearing in the publication "Reader's Digest"; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, the d-Con Company, Inc., et al., Chicago, Ill., Docket 5958, July 17, 1953]

In the Matter of the d-Con Company, Inc., and United Enterprises, Inc., Corporations, and Leonard L. Ratner, Jerome S. Garland and Gerald H. Rissman, Individually and as Officers of Said Corporations

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on February 28, 1952,

issued and subsequently served its complaint in this proceeding upon the respondents The d-Con Company, Inc., and United Enterprises, Inc., corporations, and Leonard L. Ratner, Jerome S. Garland and Gerald H. Rissman, individually and as officers of said corporations, charging them and each of them with unfair and deceptive acts and practices and unfair methods of competition, in commerce, in violation of the provisions of said act. Respondents filed their answers to said complaint, and hearings were thereafter held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly filed and recorded in the office of the Commission. Proposed findings as to the facts and conclusions were filed by counsel for respondents and counsel supporting the complaint. Thereafter on January 19, 1953, the hearing examiner filed his initial decision which was duly served on the parties.

Within the time permitted by the Commission's rules of practice, both counsel for respondents and counsel supporting the complaint filed an appeal from said initial decision. Thereafter, this proceeding regularly came on for hearing by the Commission upon the record herein, including briefs in support of and in opposition to both appeals and oral argument of counsel, and the Commission issued its order denying the appeal of counsel supporting the complaint and granting in part and denying in part respondents' appeal; and the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts, conclusion and order to cease and desist, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That The d-Con Company, Inc., a corporation, and its officers, and Leonard L. Ratner, Jerome S. Garland and Gerald H. Rissman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the rodenticide preparations designated "d-Con" and "d-Con's Mouse-Prufe", in whatsoever form sold, or any other rodenticide of substantially similar composition or possessing substantially similar properties, whether sold under either of said names or under any other name or names, do forthwith cease and desist from representing directly or by implication:

1. That any of said preparations are safe or may be used without danger to human beings or domestic or farm animals, unless qualified by the words "when used as directed" or other words of like meaning.

2. That any of said preparations contain a special attractant that is more

¹ Filed as part of the original document.

successful or alluring than all other rodenticide baits or regular feed.

3. That any of said preparations will eliminate all after-odors usually associated with the use of rodenticides.

4. That any of said preparations is the only rodenticide on the market for killing mice that contains the active ingredient Warfarin.

5. That the preparation d-Con was the subject of a report or article appearing in the publication "Reader's Digest."

It is further ordered, That the allegations of the complaint relating to the representations set forth in subparagraphs (b), (e) and (f) of Paragraph Five of the Findings as to the Facts be, and the same hereby are, dismissed as not having been sustained by the evidence.

It is further ordered, That the case growing out of the complaint herein be, and it hereby is, closed as to the respondent United Enterprises, Inc., a corporation, without prejudice to the right of the Commission to reopen the same and to proceed further against said corporation in the event its dissolution should not become final.

It is further ordered, That respondents The d-Con Company, Inc., Leonard L. Ratner, Jerome S. Garland, and Gerald H. Rissman shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 17, 1953.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 53-7292; Filed, Aug. 18, 1953;
8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

Correction

In Federal Register Document 53-6693, appearing at page 4501 of the issue

for Friday, July 31, 1953, the second sentence of paragraph (e) of § 34.46 should read: "When the advertising exceeds 75 percent, the copies filed in compliance with paragraph (c) of this section must have endorsed on the first page by the publisher the words 'Advertising over 75%'."

PART 45—DEAD MAIL MATTER

Correction

In Federal Register Document 53-7148, appearing at page 4853 of the issue for Friday, August 14, 1953, the second sentence of paragraph (c) of § 45.5 should read: "Undeliverable letters from both Canada and Mexico which bear a return card shall be returned directly by the post office of address to the office of origin in these countries."

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of August A. D. 1953.

It appearing, that the House of Representatives has passed H. R. 3203, as amended, providing for the amendment of section 204 of the Interstate Commerce Act so as to prohibit this Commission from regulating the duration of any lease, contract, or other arrangement for the use of any motor vehicle, or the amount of compensation to be paid for such use; that the subcommittee of the Committee on Interstate and Foreign Commerce of the Senate has held hearings on this bill, but was unable to report the bill for action by the Senate

prior to adjournment on August 3, 1953; that the Committee on Agriculture and Forestry of the Senate has adopted a resolution requesting that this Commission defer until Congress shall have completed action on H. R. 3203 so much of any order, regulations, or action as under the provisions of H. R. 3203 would not be authorized; that four members of the Committee on Interstate and Foreign Commerce of the Senate and others by letter have requested that this Commission comply with the request of the Committee on Agriculture and Forestry of the Senate; and good cause appearing therefor:

It is ordered, That the order entered in this proceeding May 8, 1951, as heretofore modified, be, and it is hereby, further modified so as to make effective March 1, 1954, instead of September 1, 1953, the provision of § 207.4 (a) (3) which requires that any contract, lease, or other arrangement for the use of equipment shall specify a period "which shall not be less than 30 days".

And it is further ordered, That the following proviso of § 207.4 (a) (5) of the said order of May 8, 1951, shall become effective March 1, 1954, instead of September 1, 1953: "Provided, however, That such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in said vehicle or on a division or percentage of any revenue earned by said vehicle during the period for which the lease is effective".

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7287; Filed, Aug. 18, 1953;
8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Circular No. 1856]

GRAZING ON LANDS WITHIN THE MIZPAH-PUMPKIN CREEK AREA, MONTANA

SECTION 1. *Statutory authority.* The act of March 29, 1928 (45 Stat. 380), authorizes the Secretary of the Interior to enter into cooperative agreements with the State of Montana and private owners of lands in specified townships lying between Mizpah and Pumpkin Creeks, for the operation of the Federal land in conjunction with the non-Federal lands

in the area for grazing and range development purposes; and to issue leases therefor to a regularly organized association of stockmen.¹

SEC. 2. *Policy.* It shall be the policy to encourage the development of the native vegetative growth to the utmost practicable limit obtainable by good range management practices, for which

¹ Only one association of stockmen, known as the Mizpah-Pumpkin Creek Grazing Association, Inc., has been duly organized for the joint grazing of the Federal land and non-Federal land owned or controlled by the association within the area specified by the act.

purpose the Bureau of Land Management may make available to the association its services in evaluating the forage resources of the area.

SEC. 3. *Lease issuance; fees.* The Secretary of the Interior, upon request of the association, may issue to it a lease for the grazing use of the Federal land jointly with the non-Federal land owned or controlled by the association within the Mizpah-Pumpkin Creek area. The association shall pay to the Range Manager, Bureau of Land Management, not less than thirty days in advance of the annual grazing season, grazing fees based upon the number of animal unit

months of forage available for use on the leased land as determined by the Range Manager, at the same grazing fee rate per AUM as generally charged for Federal range in grazing districts established under the Taylor Grazing Act. The leased lands shall at all times be open to prospecting for and extraction of minerals under the applicable mineral land laws.

SEC. 4. Association permits. After issuance of the lease, the association may administer the Federal land and perform all acts necessary to proper range management and control, subject to the terms and conditions of the lease, and to the general supervisory authority of the Range Manager which supervisory authority shall extend to the association land as well as to the Federal land in the area. The association may issue grazing permits to stockmen owning lands within or adjacent to the area; temporary permits to regular permittees whenever there is surplus forage or range available; and crossing permits for the trailing of livestock across the leased land. Grazing permits shall be consistent with and subject to the provisions of the lease issued to the association and to these regulations.

SEC. 5. Supervision by Range Manager; Management plan. (a) After considering the recommendation of the association, the Range Manager may prescribe the maximum number of stock which may be grazed on the lands within the area and may increase or reduce that number whenever range conditions warrant such action; he may also close portions of the range to grazing whenever, because of improper handling of the livestock, overgrazing, fire, or other cause, such action is necessary to restore the range to its normal condition.

(b) The Range Manager, with the advice and recommendation of the association, shall set up a management plan for the proper grazing use of the area, covering the following points:

(1) Grazing capacity in each unit for use of livestock and of wildlife;

(2) Class and numbers of livestock to be grazed and seasons of use;

(3) A map of each grazing unit showing existing and proposed range improvements.

(c) The association shall apply to the Range Manager for permit for the maintenance or construction of range improvements on the leased land.

SEC. 6. General rules of the range. Every lease issued to the association and every permit issued by the association shall be subject to the following:

(a) *Acts prohibited.* The following acts are prohibited on the range:

(1) Grazing livestock upon or driving livestock across the range, without an appropriate permit, whether regular, temporary, or a crossing permit;

(2) Grazing livestock upon or driving livestock across the range, in violation of the terms of a permit, either by exceeding the number of livestock permitted, or by allowing livestock to be on the range at a time different from that designated, or in any other manner;

(3) Destroying, molesting, disturbing, or injuring property used or acquired for use by the United States in the administration of the range;

(4) Cutting, burning, or removing vegetative cover, brush, woodland growth, or timber for any purpose, except as authorized by law;

(5) Maliciously molesting, or driving from the range livestock lawfully grazing thereon under an appropriate permit;

(6) Constructing or maintaining any kind of improvements, structures, fences or enclosures on the Federal land without authority of law or a permit.

(b) *Rules of fair range practice.* All permit holders, regular, temporary, or crossing, must comply with the following rules:

(1) The provisions of statutory law of the State of Montana relating to the branding of livestock and sanitary requirements, which provisions are hereby incorporated as a part of these regulations.

(2) A crossing permittee shall follow the route described in the crossing permit issued by the association, at the average mileage rate per day prescribed in the permit.

(3) All permittees shall provide adequate salt on the range for their livestock. The Range Manager, or if he fails to do so, the association, may issue instructions as to the bedding down of sheep, the time for, breed, grade, and number of bulls to be turned onto the range. In the absence of such express instructions, the requirements of state law on the subject shall be applicable.

SEC. 7. Appeals. The association, or any of its permittees, may appeal from any adverse action or decision of the Range Manager to the Director, Bureau of Land Management and from such decision of the Director to the Secretary of the Interior in accordance with the rules of practice (43 CFR Part 221).

RALPH A. TUDOR,
Acting Secretary of the Interior.

AUGUST 12, 1953.

[F. R. Doc. 53-7271; Filed, Aug. 18, 1953;
8:45 a. m.]

DEPARTMENT OF STATE

[Public Notice 126; Delegation of Authority No. 69]

ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

AUGUST 12, 1953.

Pursuant to the authority vested in me by section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c), I hereby delegate to the Assistant Secretary for Economic Affairs of the Department of State, or in his absence to the officer designated to act for him, the performance of all the functions which the Secretary of State is authorized to perform pursuant to and under the authority of section 25 (b) of the Federal Reserve Act, as amended (act of December 23, 1913, ch. 6, section 25 (b)), as added

June 16, 1933, ch. 89, section 15, 48 Stat. 184, and amended April 7, 1941, ch. 43, section 2, 55 Stat. 131; 12 U. S. C. 632).

[SEAL] JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-7272; Filed, Aug. 18, 1953;
8:45 a. m.]

[Public Notice 127; Delegation of Authority No. 42B¹]

CHIEF, EXCHANGE OF PERSONS DIVISION,
OFFICE OF THE UNITED STATES HIGH
COMMISSIONER FOR GERMANY

DELEGATION OF AUTHORITY TO MAKE, AMEND,
OR TERMINATE GRANTS

AUGUST 12, 1953.

Pursuant to authority contained in section 4 of Public Law 73, 81st Congress: *It is hereby ordered*, That the Chief, Exchange of Persons (Division), Office of the United States High Commissioner for Germany, is authorized to make, amend or terminate grants: (a) to German students, trainees, teachers, guest instructors, professors and leaders in fields of specialized knowledge or skill, (b) to teachers, guest instructors, professors and leaders in fields of specialized knowledge and skill from other European countries, and (c) to German private or Governmental agencies or institutions, for the purpose of carrying out exchange of persons programs between Germany and other European countries administered or serviced by the Office of the United States High Commissioner for Germany under authority vested in the Department of State.

This delegation is effective as of July 6, 1953.

For the Secretary of State.

[SEAL] DONALD B. LOURIE,
Under Secretary for Administration.

[F. R. Doc. 53-7288; Filed, Aug. 18, 1953;
8:48 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization
Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

The following amendments to the Statement of Organization of the Immigration and Naturalization Service (17 F. R. 11613, December 19, 1952) are hereby prescribed.

1. Paragraph (h) of section 1.30 is amended so that when taken with the introductory material it will read as follows:

¹Supersedes Delegation of Authority No. 42A, dated January 6, 1953, published as Public Notice No. 121 in the FEDERAL REGISTER for January 22, 1953 (18 F. R. 479), Delegation of Authority No. 42, dated August 23, 1951, published as Public Notice No. 100 in the FEDERAL REGISTER for September 7, 1951 (16 F. R. 9099), and Delegation of Authority 21, dated May 22, 1950, published as Public Notice No. 47 in the FEDERAL REGISTER for May 30, 1950 (12 F. R. 3400). Amended portion appears in brackets.

SEC. 1.30 *Final authority; delegation to Commissioner.* The Commissioner has been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

(h) Request for stay of deportation if alien alleges he would be subject to physical persecution if deported to the country designated under 8 CFR 243.3;

2. Section 1.31 is amended by redesignating paragraphs (x) through (ddd) as paragraphs (y) through (eee) and by adding a new paragraph (x) which, when taken with the introductory material, will read as follows:

SEC. 1.31 *Final authority; delegation to Assistant Commissioner, Inspections and Examinations Division.* The Assistant Commissioner, Inspections and Examinations Division, has been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(x) Replacement of alien registration receipt cards under 8 CFR 264.51;

Dated: August 10, 1953.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: June 23, 1953.

ARGYLE R. MACKEY,
Commissioner of Immigration
and Naturalization.

[F. R. Doc. 53-7250; Filed, Aug. 17, 1953;
3:15 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1102 et al.]

BRANIFF AIRWAYS, INC.; REOPENED
SOUTHERN SERVICE TO THE WEST CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Braniff Airways, Inc., and other applicants for certificates or amendments of certificates of public convenience and necessity and a proceeding to determine whether the public convenience and necessity require the establishment of certain through air transportation service.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 22, 1953, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 13, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-7283; Filed, Aug. 18, 1953;
8:47 a. m.]

No. 162—2

[Docket No. 2190]

UNITED AIR LINES, INC.; RESTRICTION CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of United Air Lines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for an amendment of its certificate of public convenience and necessity for route No. 1 to remove the restriction against regularly scheduled nonstop service between certain points east and west of Salt Lake City, Utah.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 10, 1953, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 13, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-7282; Filed, Aug. 18, 1953;
8:47 a. m.]

[Docket Nos. 5774, 5928]

NORTH AMERICAN AIRLINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of North American Airlines, Inc., for authority to conduct its operations under the name of North American Airlines, Inc., and an investigation pursuant to section 411 of the act of certain practices of North American Airlines, Inc.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 3, 1953, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 13, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-7284; Filed, Aug. 18, 1953;
8:48 a. m.]

[Docket No. 5878]

AIRLINE RESERVATIONS, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of Airline Reservations, Inc., d/b/a North Star Aircoach Agency, The Flying Irishman Agency and Air America Agency Enforcement Proceeding.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 17, 1953, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Ave-

nue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 14, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-7289; Filed, Aug. 18, 1953;
8:49 a. m.]

[Docket No. 6234]

LAKE CENTRAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the extension of the temporary certificate for Route No. 88 held by Lake Central Airlines, Inc., for an additional period of one year.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on August 27, 1953, at 10:00 a. m., e. d. s. t., in Room 2070, Temporary Building No. 5, Sixteenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to these matters:

1. Does the public convenience and necessity require amendment of the temporary certificate of public convenience and necessity of Lake Central Airlines (Lake Central) for Route No. 88 for an additional period of one year from and after December 31, 1954?

2. Is Lake Central a citizen of the United States within the meaning of section 1 (13) of the Civil Aeronautics Act of 1938, as amended, and is it fit, willing and able to perform the above services, and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding may file with the Board on or before August 27, 1953, a statement setting forth the matters of fact and of law which he desires to controvert. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., August 14, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-7290; Filed, Aug. 18, 1953;
8:49 a. m.]

[Docket No. SA-271]

ACCIDENT OCCURRING IN GULF OF MEXICO
SOUTH OF MOBILE, ALA.

NOTICE OF RECONVENING OF HEARING

In the matter of investigation of accident involving aircraft of United States

Registry N 90893, which occurred in the Gulf of Mexico, South of Mobile, Alabama, on February 14, 1953.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that reconvening of hearing is hereby assigned to be held on August 26, 1953, at 9:00 a. m. (local time) at the Empress Hotel, 4300 Collins Avenue, Miami Beach, Florida.

Dated at Washington, D. C., August 12, 1953.

[SEAL]

R. W. CHRISP,
Presiding Officer.

[F. R. Doc. 53-7285; Filed, Aug. 18, 1953;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1781, G-2055]

UNITED FUEL GAS CO.

NOTICE OF OPINION NO. 258 AND ORDER

AUGUST 13, 1953.

Notice is hereby given that on August 7, 1953, the Federal Power Commission issued its opinion and order adopted July 31, 1953, prescribing rates and disposition of funds collected under bond in the above-entitled matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7293; Filed, Aug. 18, 1953;
8:51 a. m.]

[Docket No. G-1991]

MISSISSIPPI RIVER FUEL CORP. AND TEXAS
EASTERN TRANSMISSION CORP.

NOTICE OF ORDER ALLOWING WITHDRAWAL
OF APPLICATION FOR CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY

AUGUST 13, 1953.

Notice is hereby given that on August 10, 1953, the Federal Power Commission issued its order adopted August 5, 1953, allowing withdrawal of application for certificate of public convenience and necessity, and terminating proceeding in the above-entitled matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7294; Filed, Aug. 18, 1953;
8:51 a. m.]

[Docket Nos. 2017, 2127]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF OPINION NO. 260 AND ORDER

AUGUST 13, 1953.

In the matters of Texas Gas Transmission Corporation, Docket No. G-2017; and Louisiana Natural Gas Corporation, Texas Northern Gas Corporation, Docket No. G-2127.

Notice is hereby given that on August 7, 1953, the Federal Power Commission issued its memorandum opinion and order adopted August 5, 1953, in the above-entitled matters, accepting pro-

posed settlement, making effective revised tariff, and terminating proceedings, upon conditions specified in the order.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7295; Filed, Aug. 18, 1953;
8:52 a. m.]

[Docket No. G-2200]

GAS TRANSPORT, INC.

ORDER FIXING DATE OF HEARING

On June 24, 1953, Gas Transport, Inc. (Applicant), a Delaware corporation having its principal place of business in Lancaster, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 10 miles of 4-inch pipeline extending from a point in the Belleville gas field in Wood and Jackson counties, West Virginia, to a point of connection with Applicant's existing 14-inch pipeline in Wood County, West Virginia, for the purpose of augmenting Applicant's gas supply, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition in opposition to the application has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 17, 1953 (18 F. R. 4204).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on August 26, 1953, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: August 12, 1953.

Issued: August 13, 1953.

By the Commission.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7296; Filed, Aug. 18, 1953;
8:52 a. m.]

[Project No. 1862]

CITY OF TACOMA, WASHINGTON

NOTICE OF ORDER FURTHER AMENDING
LICENSE

AUGUST 13, 1953.

Notice is hereby given that on June 23, 1953, the Federal Power Commission issued its order adopted June 18, 1953, further amending license (Major) in the above-entitled matter.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7297; Filed, Aug. 18, 1953;
8:52 a. m.]

CAROLINA ALUMINUM CO. ET AL.

NOTICE OF ORDERS APPROVING DISPOSITION
OF AMOUNTS CLASSIFIED IN VARIOUS
ACCOUNTS

AUGUST 13, 1953.

In the matters of Carolina Aluminum Company, Knoxville Power Company, Nantahala Power and Light Company.

Notice is hereby given that on August 12, 1953, the Federal Power Commission issued its orders adopted August 5, 1953, approving disposition of amounts classified in Account 100.5, electric plant acquisition adjustments, and Account 107, electric plant adjustments in the above-entitled matters.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7298; Filed, Aug. 18, 1953;
8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1564]

UNITED PARK CITY MINES CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING
PRIVILEGES, AND OF OPPORTUNITY FOR
HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of August A. D. 1953.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, \$1.00 Par Value, of United Park City Mines Company, a security listed and registered on the New York Stock Exchange and on the Salt Lake Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to August 28, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means

of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-7273; Filed, Aug. 18, 1953;
8:46 a. m.]

[File Nos. 54-173, 54-191, 70-3115]

STANDARD GAS AND ELECTRIC CO. AND
PHILADELPHIA CO.

ORDER APPROVING PLANS FILED UNDER SECTION 11 (e) RELATING TO PROPOSED PARTIAL LIQUIDATING DISTRIBUTIONS AND PERMITTING ISSUANCE AND SALE OF 1 YEAR PROMISSORY BANK NOTE

AUGUST 13, 1953.

In the matter of Standard Gas and Electric Company and Philadelphia Company, File No. 54-191; Philadelphia Company and Standard Gas and Electric Company, File No. 54-173; Philadelphia Company, File No. 70-3115.

Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act"), Standard Gas and Electric Company ("Standard"), a registered holding company, and Philadelphia Company ("Philadelphia"), a subsidiary of Standard and also a registered holding company, have heretofore been ordered by this Commission to liquidate and dissolve. (See Holding Company Act Release Nos. 8242 (June 1, 1948), 8773 (December 31, 1948) and 10717 (August 14, 1951).) In compliance with such orders, Standard previously filed with the Commission under section 11 (e) of the act a plan and amendments thereto ("Standard Plan") for compliance by Standard and Philadelphia with the provisions of section 11 of the act (File No. 54-191) and a plan and amendments thereto ("Philadelphia Plan") for simplification of the corporate structure of the Philadelphia holding company system (File No. 54-173). The proceedings on the two plans were consolidated and various Steps of the plans have heretofore been approved and consummated.

Standard now has filed with the Commission additional amendments, dated June 29, 1953, to the Standard Plan, which, among other things, amend Step III of the Standard Plan. These amendments to the extent they relate to Philadelphia are also to be deemed supplements to the Philadelphia Plan. Standard has also filed an application requesting that the Commission approve at this time certain portions of such amendments, which portions are described hereinafter. Philadelphia has filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the act proposing the issuance and sale of its one-year 3 1/4 percent promissory bank

loan note in the principal amount of \$3,000,000 for the purpose of paying and discharging (together with treasury funds) its outstanding \$3,500,000 of 2 1/8 percent bank loan notes, due August 23, 1953. Philadelphia proposes to borrow from Mellon National Bank and Trust Company the sum of \$3,000,000 and to issue its promissory note dated August 21, 1953, to mature August 21, 1954, and to bear interest at the rate of 3 1/4 percent per annum. Philadelphia will have the right to prepay the note without premium. Philadelphia states that no State or Federal commission other than this Commission has jurisdiction over the proposed transactions and that there will be no fees and expenses other than miscellaneous expenses estimated not to exceed \$100.

The transactions for which approval is sought by Standard at this time are summarized as follows:

Pursuant to Step III of the Standard Plan, as further amended, Philadelphia will make a distribution to Standard of 560,048 shares of the common stock of Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia. Thereafter, Standard will distribute 540,651.75 shares of Duquesne common stock on the basis of one-fourth (1/4) share of such stock for each share of common stock of Standard. Such distribution will be carried out at a time to be fixed by the Board of Directors of Standard, which time will not be later than 60 days after the order of this Commission approving the distribution has become final.

After the date of the distribution has been fixed, the Board of Directors will fix a record date for the determination of the holders of common stock of Standard entitled to receive common stock of Duquesne and/or scrip upon such distribution ("distribution record date"). Only holders of record of common stock of Standard on such distribution record date will be entitled to receive common stock of Duquesne and/or scrip upon such distribution and then only if such holders have filed with the Distribution and Scrip Agent, to be appointed by Standard for such purpose, the form of acknowledgment of receipt of notice hereinafter mentioned.

Not less than five days prior to the distribution record date Standard will mail to all holders of its common stock of record on a date not more than five days prior to such mailing ("mailing record date") notice of the distribution date and the distribution record date, together with a printed form of acknowledgment of receipt of notice to be forwarded to the Distribution and Scrip Agent by such holders. Within five days after the distribution record date a similar notice and enclosure will be sent to those stockholders of record on such date who became stockholders subsequent to the mailing record date.

On the distribution date, Standard will deposit with the Distribution and Scrip Agent an aggregate of 540,652 shares of common stock of Duquesne. Upon such deposit Standard will cease to be the holder of, or have any of the rights or incidents of ownership in respect of such

shares of common stock of Duquesne and the holders of common stock of Standard of record on the distribution record date will be entitled, subject to the limitations hereinafter stated, to receive from the Distribution and Scrip Agent one-fourth (1/4th) of a share of such Duquesne common stock for each share of common stock of Standard held by them.

After receipt of the shares of common stock of Duquesne, the Distribution and Scrip Agent will promptly deliver to each holder of common stock of Standard of record on the distribution record date the certificates for common stock of Duquesne and/or scrip to which he is entitled, but only if such holder has filed with the Distribution and Scrip Agent the form of acknowledgement of receipt of notice.

Until the Distribution and Scrip Agent has delivered the certificate or certificates for shares of common stock of Duquesne, no holder of common stock of Standard will be entitled to receive any dividends declared on such shares of stock of Duquesne, or have any right to vote or consent in respect of such shares. Upon delivery of a certificate or certificates for such shares, the holder will be entitled to receive from such Agent an amount equal to all dividends (less the amount of taxes, if any, which may have been imposed or paid thereon) paid or payable to such Agent with respect thereto.

No stock certificates for fractional shares of common stock of Duquesne will be issued, but in lieu thereof, the Distribution and Scrip Agent will issue scrip certificates in bearer or registered form as Standard may determine. Such scrip certificates, when combined in lots representing one or more full shares, may be exchanged within the period of twelve months after the date of the distribution for the full shares of common stock of Duquesne represented thereby. Arrangements will be made whereby during such twelve months' period, holders of scrip certificates may, without the payment of any commission, either sell the same or purchase additional scrip certificates sufficient to entitle them to a full share of common stock of Duquesne. Scrip certificates will not entitle the holders thereof to dividends, voting rights, or any rights of stockholders unless and until such certificates have been combined into full share lots and exchanged for full share certificates for common stock of Duquesne. All dividends paid on shares represented by scrip certificates will be paid to the Distribution and Scrip Agent.

Upon the expiration of twelve months from the date of distribution, the Distribution and Scrip Agent will convert into cash all shares of common stock of Duquesne held by it with respect to scrip certificates and will hold such cash together with any cash received as dividends on such shares during the twelve months' period for distribution to the holders of unexchanged scrip certificates who thereafter surrender their certificates for exchange, and will convert into cash a sufficient number of shares of common stock of Duquesne to provide

for the fractional shares which it is estimated will be required upon the filing of acknowledgments of receipt of notice by holders of common stock of Standard not theretofore having filed such acknowledgments and will hold such cash, together with any cash received as dividends on such shares, for distribution to holders of common stock of Standard thereafter filing such acknowledgments. After the expiration of twelve months from the date of the distribution, no holder of scrip certificates shall have any rights, and no holder of common stock of Standard shall have any rights with respect to fractional shares, except in each case to receive without interest, his pro rata share of the cash into which shares of common stock of Duquesne have been converted and of any dividends on such shares received by the Distribution and Scrip Agent, after deducting therefrom, the amount of taxes, if any, which may be imposed or paid thereon. From and after the cut-off date, as hereinafter defined, all scrip certificates then remaining outstanding will become void and of no value.

The cut-off date will be the last day of the five-year period immediately following the date of the distribution provided for in Step III, except that in the event, within such five-year period, the common stock of Standard is surrendered for exchange or there are further distributions by Standard to holders of its common stock, the cut-off date will be extended to a date which coincides with the cut-off date fixed in respect of such exchange of common stock of Standard or such distribution within said five-year period, or to the last day of the ten-year period immediately following the date of the distribution under Step III, whichever is earlier.

At the cut-off date (i) holders of certificates for common stock of Standard of record on the distribution record date, who have not theretofore filed with the Distribution and Scrip Agent acknowledgments of receipt of notice, will cease to be entitled to receive common stock of Duquesne and/or cash and their claims thereto will become void and of no value, (ii) all scrip issued in lieu of fractional shares of common stock of Duquesne, and not combined into full share lots and exchanged for full shares, will become void and of no value, and (iii) all certificates for shares of common stock of Duquesne held by the Distribution and Scrip Agent will be converted into cash and such cash together with all cash received by the Distribution and Scrip Agent as dividends or otherwise upon any shares of common stock of Duquesne or received by the Distribution and Scrip Agent upon the sale of shares of such common stock as previously mentioned will be turned over by the Distribution and Scrip Agent to Standard and will become the property of Standard as a capital contribution thereto, or in the event that Standard has been liquidated and dissolved or otherwise disposed of, such cash will be delivered to the Exchange or other Agent, which may be provided for by the Standard Plan for distribution to the holders or former holders of common stock of Standard who may be entitled to receive the re-

sidual assets of Standard under the Standard Plan.

Not more than 60 days nor less than 30 days prior to the expiration of each year after the date of the distribution provided for under Step III and prior to the cut-off date hereinbefore referred to, Standard will publish in a newspaper of general circulation in each of the Cities of New York, New York, Chicago, Illinois, and Pittsburgh, Pennsylvania a notice that the rights of holders of common stock of Standard on the distribution record date who have not theretofore filed an acknowledgment of receipt of notice and of holders of scrip certificates for common stock of Duquesne not combined into full share lots and exchanged for full shares, will terminate and expire, and will mail a copy of such notice to each such holder at his last known address. At the end of each six months' period after the expiration of the first year after the date of the aforesaid distribution and prior to the cut-off date, Standard will report to the Commission the number of shares of common stock of Duquesne deposited with the Distribution and Scrip Agent for distribution which have not then been delivered by such Agent to holders of common stock of Standard and the efforts made during such six months' period to locate the persons entitled to receive such shares.

Standard will make reasonable efforts through letters and otherwise to locate holders of its common stock on the distribution record date who have not filed acknowledgments of receipt of notice and to advise them personally of the necessity of filing such acknowledgments prior to the cut-off date and Standard may employ any organization which it considers qualified for the purpose of locating security holders who cannot be located through ordinary channels of communication.

Such fees and expenses as the Commission may award or allow in connection with Step III, as amended, of the Standard Plan and any and all transactions and proceedings related thereto will be paid by Standard to the extent that they relate primarily to transactions pertaining to Standard and by Philadelphia to the extent that they relate primarily to transactions pertaining to Philadelphia.

Standard has solicited various banks for bids specifying their charges for acting as the Distribution and Scrip Agent and after examining the bids received proposes to designate Chemical Bank & Trust Company as such Agent.

Standard and Philadelphia have requested that the Commission's order to be entered herein become effective immediately upon issuance and Standard has requested that such order contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof.

Due notice having been given of the filing of the application by Standard and the declaration by Philadelphia and a hearing not having been requested or ordered by the Commission; and the Commission finding that the particular transactions specified in Step III, as

amended, of the Standard Plan as to which approval is sought at this time are necessary to effectuate the provisions of section 11 (b) of the act, are fair and equitable to the persons who will be affected thereby, and that such transactions and the transactions proposed by Philadelphia in its declaration, as amended, satisfy in all respects the requirements of applicable provisions of the act and the rules promulgated thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted and said declaration, as amended, be permitted to become effective, forthwith:

It is ordered, Pursuant to the applicable provisions of the act, that the application filed by Standard and the declaration, as amended, filed by Philadelphia be, and the same hereby are, respectively, granted and permitted to become effective, forthwith, subject to the terms and conditions of Rule U-24 and the following additional terms and conditions:

1. That Standard and Philadelphia shall pay only such fees and expenses in connection with Step III, as amended, of the Standard Plan, in so far as approved herein, and the proceedings relating thereto as the Commission may approve on appropriate application made to it, and jurisdiction hereby is specifically reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with said Step III, as amended, to the extent herein approved, the transaction incident thereto, and the proceedings thereon and related thereto.

2. That jurisdiction be, and it hereby is, specifically reserved with respect to the following additional matters:

(a) The supervision of efforts to locate all persons entitled to receive securities to be distributed under Step III, as amended, of the Standard Plan to the extent herein approved.

(b) The appropriateness of the accounting entries to be made by Standard and Philadelphia in recording the transactions incident to the consummation of Step III, as amended, of the Standard Plan to the extent herein approved.

(c) The terms, conditions, and procedures under which the Distribution and Scrip Agent provided for in Step III, as amended, of the Standard Plan, will convert into cash any shares of Duquesne common stock for the purpose of carrying out the provisions of Step III, as amended, of the Standard Plan.

(d) The entertaining of such further proceedings, entering of such further orders and the taking of such further action as may be necessary or appropriate in connection with Step III, as amended, of the Standard Plan, to the extent herein approved, the transactions incident thereto and the consummation thereof.

(e) The entertaining of such further proceedings, entering of such further orders and the taking of such further action as may be necessary or appropriate in connection with those portions of the Standard Plan and the Phila-

Philadelphia Plan not heretofore or herein specifically approved.

It is further ordered and recited, That all steps and transactions involved in the consummation of the distribution by Philadelphia to Standard of 560,048 shares of common stock of Duquesne and the distribution by Standard to the holders of its common stock of $\frac{1}{4}$ th of a share of the common stock of Duquesne for each share of common stock of Standard held by them, pursuant to Step III, as amended, of the Standard Plan, including particularly the transfers, conveyances, issuances, exchanges, expenditures, distributions and receipts hereinafter described and recited in subparagraph I through IV below, are hereby authorized and approved and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of Supplement R of the Internal Revenue Code, as amended, and section 1808 (f) thereof, the stock and securities and other property to be transferred, conveyed, issued, exchanged, distributed and received upon such transactions, and the expenditures to be made, being specified and itemized as follows:

I. The transfer and distribution by Philadelphia to Standard as the holder of all of the common stock of Philadelphia, without the surrender by Standard of any of its shares of common stock of Philadelphia, of 560,048 shares of common stock of Duquesne, to be represented by Certificate No. PU 23 registered in the name of Philadelphia.

II. The transfer and distribution by Standard to the holders of its common stock, without the surrender by the holders of such common stock of Standard of any of their shares of such common stock, of an aggregate of 540,651.75 shares of common stock of Duquesne, in the ratio of $\frac{1}{4}$ th of a share of common stock of Duquesne for each share of common stock of Standard held by such stockholders; said shares of common stock of Duquesne so to be distributed by Standard to be represented by Certificate No. PU 25 for 540,652 shares to be registered in the name of Standard, which, in accordance with Step III, as amended, of said plan, are to be transferred to the Distribution and Scrip Agent to be appointed pursuant to said Step III, as amended, and held in the form of a certificate or certificates registered in the name of said Distribution and Scrip Agent or its nominees, the shares to be transferred and distributed by said Agent to holders of common stock of Standard to be represented by certificates issued against, and upon transfer by said Agent of part of the shares represented by, such certificate or certificates so to be registered in the name of said Agent or its nominees, any fraction of a share of common stock of Duquesne distributable to any holder of common stock of Standard to be represented by a scrip certificate as provided in said plan.

III. The transfer and delivery by Standard to said Distribution and Scrip Agent of said 540,652 shares of common stock of Duquesne (to be represented by

Certificate No. PU 25 registered in the name of Standard) referred to in subparagraph II above; the transfer of said certificate for said common stock of Duquesne to and the registration of said stock in the name of said Agent or its nominees; the transfer and delivery by said Agent to the holders of common stock of Standard, subject to acknowledgment by them of receipt of notice as provided in said Step III, as amended, of said common stock of Duquesne in the ratio of $\frac{1}{4}$ th of a share of Duquesne common stock for each share of common stock of Standard held of record on the distribution record date as provided for by said Step III, as amended; the issuance and delivery by said Agent to such holders of common stock of Standard, in lieu of any fractional shares of common stock of Duquesne to which they would otherwise be entitled, of scrip certificates for fractional shares of Duquesne common stock as provided in said Step III, as amended; the transfer of such scrip certificates upon the sale thereof by said Agent for the account of the holders of said scrip certificates; the transfer and delivery by said Agent to the holders of said scrip certificates of shares of common stock of Duquesne to which they are entitled upon presentation (within the period provided in said Step III, as amended, and said scrip certificates) of scrip certificates aggregating one or more full shares; the sale, transfer and delivery by said Agent, after the expiration of twelve months from the effective date of the distribution, of shares of common stock of Duquesne held in respect of said scrip certificates, as well as additional shares of common stock of Duquesne estimated to be required to provide for fractional share interests distributable to holders of common stock of Standard who have not theretofore filed the required acknowledgment of receipt of notice provided for by said Step III, as amended; the purchase by, and transfer and delivery to, said Agent of additional shares of said common stock of Duquesne as required for adjustments under section 7 of Step III, as amended, of said plan; the transfer and delivery to said Agent of said scrip certificates by the holders thereof in exchange for shares of common stock of Duquesne and/or cash; and the payment by said Agent to such holders of common stock of Standard and/or scrip certificates, at the time of delivery and transfer by it of shares of common stock of Duquesne as above provided and/or at the time of surrender of said scrip certificates after the expiration of twelve months from the effective date of the distribution, of any amounts received by said Agent as dividends upon the shares so delivered or upon the portions of the shares previously held in respect of said scrip certificates, plus their pro rata share, if any, of the proceeds of sale of any shares held for such scrip certificates and so sold, less any taxes which may have been imposed or paid thereon.

IV. The sale, transfer and delivery by said Agent, on or after the cutoff date provided in said Step III, as amended, of all certificates for shares of common stock of Duquesne then held by such Agent; and the delivery by said Agent

of the cash received upon such sale or sales, together with all cash received by said Agent as dividends or otherwise upon any shares of common stock of Duquesne or received by said Agent upon the sale of shares of such common stock held in respect of scrip certificates or other fractional interests, (1) to Standard, or (2), in the event that Standard shall have been liquidated or dissolved or otherwise disposed of, to the Exchange or other Agent provided for by said plan or any amendment thereof for distribution to the holders or former holders of common stock of Standard who may be entitled to receive the residual assets of Standard under such plan.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7274; Filed, Aug. 18, 1953;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28360]

CLASS RATES TO OR FROM INTERMOUNTAIN
TERRITORY

APPLICATION FOR RELIEF

AUGUST 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Involving: Class rates governed by exceptions to the Consolidated Freight Classification.

Between: Points in the United States west of the Rocky Mountains, on the one hand, and points in the United States east thereof, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, operation through higher-rated territory.

Schedules filed containing certain proposed rates: C. J. Hennings, Alternate Agent, tariff I. C. C. No. A-3943, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7241; Filed, Aug. 17, 1953;
8:49 a. m.]

[4th Sec. Application 28362]

FERRO-PHOSPHOROUS FROM SHEFFIELD,
ALA., TO MAHWAH, N. J.

APPLICATION FOR RELIEF

AUGUST 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Ferro-phosphorous, carloads.

From: Sheffield, Ala.

To: Mahwah, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1376, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.[F. R. Doc. 53-7243; Filed, Aug. 17, 1953;
8:49 a. m.]

[4th Sec. Application 28363]

ACETIC ACID AND ANHYDRIDE FROM
ARKANSAS AND TEXAS TO OFFICIAL
TERRITORY

APPLICATION FOR RELIEF

AUGUST 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, in carloads, also tankcar loads.

From: Crossett, Ark., Bishop, Houston, Kings Mill, Texas City, and Brownsville, Tex.

To: Specified points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, tariff I. C. C. No. 3967, supp. 250; F. C. Kratzmeir, Agent, tariff I. C. C. No. 3908, supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.[F. R. Doc. 53-7244; Filed, Aug. 17, 1953;
8:49 a. m.]

[4th Sec. Application 28365]

COARSE GRAINS BETWEEN TEXAS AND
NEW MEXICO

APPLICATION FOR RELIEF

AUGUST 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 764.

Commodities involved: Coarse grains and related articles, carloads.

Between: Points in Texas and points in New Mexico.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.[F. R. Doc. 53-7246; Filed, Aug. 17, 1953;
8:50 a. m.]

[4th Sec. Application 28366]

VERMICULITE FROM WALLACE'S MILL, GA.,
TO THE SOUTH

APPLICATION FOR RELIEF

AUGUST 14, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, other than crude, carloads, as described in the application.

From: Wallace's Mill, Ga.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 712, supp. 283.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.[F. R. Doc. 53-7276; Filed, Aug. 18, 1953;
8:46 a. m.]

[4th Sec. Application 28367]

IRON AND STEEL FROM CENTRAL AND
TRUNK-LINE TERRITORIES TO MAXON AND
KEVIL, KY.

APPLICATION FOR RELIEF

AUGUST 14, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4527 and Agent C. W. Boin's tariff I. C. C. No. A-790.

Commodities involved: Manufactured iron and steel articles, in carloads, minimum 40,000 pounds.

From: Points in central and trunk-line territories.

To: Kevil and Maxon, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7277; Filed, Aug. 18, 1953;
8:46 a. m.]

[4th Sec. Application 28368]

LIQUEFIED CHLORINE GAS FROM MCINTOSH,
ALA., TO ST. LOUIS, MO., AND EAST ST.
LOUIS, ILL.

APPLICATION FOR RELIEF

AUGUST 14, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company for itself and on behalf of the Alabama Great Southern Railroad Company and the Cincinnati, New Orleans and Texas Pacific Railway Company.

Commodities involved: Gas, compressed chlorine, liquefied, in tank-car loads.

From: McIntosh, Ala.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1351, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7278; Filed, Aug. 18, 1953;
8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 24]

SACRAMENTO NORTHERN RAILWAY

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Sacramento Northern Railway, account work stoppage, is unable to transport traffic routed over its line: *It is ordered, That:*

(a) Rerouting traffic: The Sacramento Northern Railway being unable to transport traffic routed over its line, because of work stoppage, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

rence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., August 13, 1953.

(g) Expiration date: This order shall expire at 11:59 p. m., August 27, 1953, unless otherwise modified, changed, suspended or annulled.

It is further order, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 13, 1953.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 53-7286; Filed, Aug. 18, 1953;
8:48 a. m.]

